

## 11. W. Bullock – E.2 Investigate Complaints

**I. POLICY**

This policy provides guidelines for accepting, recording, resolving, and forwarding complaints.

**II. ACCEPTING, RECORDING, RESOLVING, AND FORWARDING COMPLAINTS**

**Accepting Complaints**

- A complaint or charge against Sheriff's Office employees may originate from within the Sheriff's Office or from the general public. Charges from within the Sheriff's Office shall be processed as provided in this policy. Complaints from the general public shall be courteously accepted by any employee of the Sheriff's Office and shall be processed as hereinafter provided in this subchapter. No employee shall attempt to discourage any person from lodging a complaint. A supervisor has the obligation to investigate possible violations of policy even if the person providing the information does not want a complaint filed.

**Resolving Complaints Based on Misunderstanding of Sheriff's Office Policy**

- In the case of complaints involving a misunderstanding of laws, ordinances or policy on the part of the complainant, the employee receiving the complaint shall attempt to resolve the complaint by explaining the law, ordinance or policy to the complainant. If the employee is unable to resolve the complaint, he/she shall refer the complaint to his/her supervisor, who shall attempt to resolve it. If the supervisor is unable to resolve it, the supervisor shall refer the complaint on up the chain-of-command.

**Recording Complaints Alleging Violation of Code of Conduct**

- If the complaint involves a possible violation of the Rules of Personal Conduct, or Unsatisfactory Job Performance by any employee of the Sheriff's Office, the employee receiving the complaint shall accept the complaint, record the information and forward the information to his/her appropriate supervisor, who shall be responsible for completing a Personnel Complaint if warranted, after consultation with the appropriate ranking supervisor of the division or higher authority. Such a complaint shall be accepted and recorded even when the identity of the complainant and/or the employee is unknown.

- If the complainant indicates no desire to make a formal complaint but has indicated a violation of Sheriff's Office policy by an employee, this information must be transmitted to a supervisor. The supervisor must document the information and determine if such information warrants further inquiry to determine if a complaint should be filed by the supervisor. If the supervisor determines a violation of policy may have occurred, the supervisor shall complete the Personnel Complaint, after consultation with the ranking supervisor of the division or higher authority.

### **Forwarding Complaints Alleging Violation of Code of Conduct**

- After completing a Personnel Complaint, the supervisor shall immediately forward the original copy of the Personnel Complaint of the affected employee and any other appropriate documents to the Sheriff's Office Captain, the Sheriff's Office Captain shall acknowledge the receipt of all complaints to the complainant. Upon conclusion of the investigation, the complainant shall be notified that the investigation has been completed.
- If it appears that an internal investigation will exceed thirty (30) calendar days and after each extension granted by the Sheriff, a letter indicating the status shall be mailed to the complainant by the Sheriff's Office Captain.

### **Classifying and Assigning Complaint Investigations**

- The Sheriff's Office Captain shall classify the alleged complaint as a Personal Conduct, or Unsatisfactory Job Performance violation and direct or conduct an investigation. When an investigation is assigned to supervisors other than the Sheriff's Office Captain, the Division Commander shall designate the supervisory personnel to conduct the investigation.

## **III. INVESTIGATION OF COMPLAINTS AT THE DIVISION OR EQUIVALENT STAFF LEVEL**

### **Designation of Investigator**

- The supervisor responsible for imposing disciplinary action against an employee accused of a Personal Conduct, or Unsatisfactory Job Performance violation may designate a subordinate within the supervisor's command to investigate the complaint. In complex investigations, any supervisor may request that the Division Commander or higher authority take charge of, any specific investigation.

### **Conduct of the Investigation**

- Before permitting the investigation to begin, the supervisor of the employee being investigated shall notify the employee of the investigation, except in cases where such notification would jeopardize the investigation. Should the employee admit the conduct alleged and that such conduct is, in fact, a violation of policy, then the supervisor, after consulting with Division

Commander or higher authority, may impose the appropriate disciplinary action without further investigation! In the event the employee denies the violation with which he/she is charged, the investigation shall proceed as provided.

- The employee shall be given an opportunity to supply the investigator with evidence or witnesses favorable to the employee. No decision as to whether or not the employee violated the rules of Personal Conduct, or Unsatisfactory Job Performance shall be made against a charged employee until the employee has had a reasonable opportunity to produce evidence or witnesses, and has had an opportunity to explain the his/her actions.
- The supervisor chosen to investigate the complaint shall not go outside the jurisdiction of Vance County or neglect regular duties in order to carry out such investigation without the authority of their immediate supervisor or higher authority. No investigative action shall be taken in any case where it might jeopardize a simultaneous or subsequent investigation.
- The investigator shall make every effort to complete the investigation within thirty (30) calendar days. If the investigator will be unable to do so, he/she shall inform the supervisor requesting, and/or the Sheriff's Office Captain as to the reasons why the investigation cannot be completed within thirty (30) calendar days, and shall estimate the additional time needed to complete the investigation.
- If, upon completion of the investigation the supervisor authorized to impose disciplinary action determines that the employee should be exonerated or that the results of the investigation are inconclusive, the supervisor shall, after conferring with the Division Commander or higher authority, inform the employee and forward the Report of Investigation and all related documents to the Sheriff's Office for filing in the employee's personnel file.
- If, upon completion of the investigation and after allowing the charged employee an opportunity to explain his/her actions, the supervisor determines that the employee should be disciplined, the supervisor shall confer with the appropriate Division Commander or higher authority, and shall administer disciplinary action within the options authorized by the Sheriff.

#### **IV. INVESTIGATION OF COMPLAINTS AT THE SHERIFF'S OFFICE LEVEL**

The Sheriff Office Captain shall be responsible for the supervision of all complaints initiated at the request of the Sheriff.

##### **Investigation Procedures**

- The Sheriff's Office Captain shall notify the employee to be investigated and the employee's Division Commander that an investigation is to be made except in cases where such notification would jeopardize the investigation. In the event the charged employee admits the violation with which he/she is

charged, the Sheriff's Office Captain shall prepare for the Sheriff a statement of the facts and submit their recommendation for disciplinary action to be taken, and shall give the entire file to the Sheriff for consideration, pursuant to the provisions of this policy. In the event the charged employee denies the violation(s) with which he/she is charged, then the investigation shall proceed as provided. With the approval of the Sheriff, a Division Commander may be assigned to investigate complaints at this level.

- The employee shall be given an opportunity to supply the investigator with evidence or witnesses favorable to him/her. No decision as to whether or not the employee violated the Rules of Personal Conduct, or Unsatisfactory Job Performance shall be made against a charged employee until the employee has had a reasonable opportunity to produce evidence or witnesses and has had an opportunity to explain his/her actions.
- If an investigation uncovers evidence of a possible criminal violation by an employee, Sheriff's Office Captain, shall immediately notify the Sheriff, who shall decide whether or not the appropriate authorities should be notified, or the appropriate law enforcement and/or take such other disciplinary or administrative action necessary consistent with the provisions of this policy.
- If an investigator uncovers evidence of additional violations of policy, an additional Personnel Complaint need not be completed. The employee must be informed of the allegations and must be given an opportunity to respond to the potential new charges.
- Upon completion of the investigation, the Sheriff's Office Captain or designee shall prepare for the Sheriff, a summary report of the investigation setting forth the facts of the case for review, and to determine the level of disciplinary action to be imposed.

### **Responsibility and Rights of the Employee under Investigation**

- Employees under investigation for possible violations of the Rules of Personal Conduct, or Unsatisfactory Job Performance shall truthfully and fully answer all questions asked of them by the investigator concerning the incident being investigated.
- When a supervisor or investigator reasonably suspects that an employee has violated the Rules of Personal Conduct, or Unsatisfactory Job Performance, the supervisor or investigator may require the employee to submit to tests such as medical, ballistics, or chemical analysis or agree to participate in a lineup or be photographed. The employee may also be requested to furnish financial disclosure statements in connection with the case under investigation, after the approval of the Sheriff.
- When an employee is to be investigated for a non-criminal violation of the Rules of Personal Conduct, or Unsatisfactory Job Performance, the member

shall be notified that the investigation is to take place unless such notification would jeopardize the investigation.

- Any employee who is the subject of an internal investigation may be ordered by the assigned investigator to cooperate in the investigation and to appear before the investigator at a reasonable time and place to submit to questioning or other investigative procedures.
- Investigations conducted pursuant to this policy are for non-criminal violations or for violations that may be criminal but for which the purpose of the investigation is purely administrative in nature. Accordingly, the employee may be ordered to respond to questions which are narrowly and directly related to the matter under investigation. The employee shall not be permitted to have an attorney present during the questioning.
- County property under the control of the Vance County Sheriff's Office property may be searched at any time even if assigned to and used exclusively by an individual employee. An employee's personal property found on County-owned property or within a County owned vehicle may be searched at any time. All other personal property of an employee shall not be subjected to search and seizure except in accordance with law.
- An employee shall provide the investigator with any evidence and the names of witnesses who may have information about the matter under investigation.



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